

And forasmuch as by the carrying on of certain works of a noxious kind, or in which deleterious materials are used, or deleterious products are created, the health and comfort of the inhabitants are extensively imperilled; and it is expedient to make provision for the adoption of all such expedients as either have been or shall be devised for carrying on such businesses, so as to render them as little noxious or deleterious as possible to the inhabitants of the neighbourhood; and if there be no such expedients, or if such expedients be not available in a sufficient degree, then for the carrying on of such noxious and no-be-coming businesses at safe distances from other buildings used for habitation.

And forasmuch as great diversity of practice has obtained among the officers appointed in pursuance of the said Acts to superintend the execution thereof in the several districts to which such Acts apply, and the means at present provided for determining the numerous matters in question which constantly arise, tend to promote such diversity, to increase the expense, and to retard the operations of persons engaged in building; it is expedient to make further provision for regulating the duties of surveyors of such several districts, and to provide for the appointment of officers to superintend the execution of this Act throughout all the districts to which it is to apply; and also to determine sundry matters in question incident thereto, so well as to exercise in certain cases, and under certain checks and control, a discretion in the relation of the said rules, where the strict observance thereof is impracticable, or would defeat the object of this Act, or would needlessly affect, with injury, the course and operation of this branch of business.

General Provisions—Operation of Act.

1. Now for all the several purposes above-mentioned, and for the purpose of consolidating the provisions of the law relating to the construction and the use of buildings in the metropolis and its neighbourhood; be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that with regard to this Act generally, so far as relates to the operation thereof in reference to time, it shall run into operation at the following time: (that is to say) as to the buildings, streets, and other such matters, on the first day of January, one thousand eight hundred and forty-five, and as to the districts and the officers to be appointed in pursuance hereof, on the first day of September next; and that on the said first day of January all the Acts mentioned in the Schedule (A.) hereunto annexed, except so far as in the said Schedule is provided, shall be and are hereby repealed.

2. And be it declared, with regard to this Act generally, so far as relates to the construction of certain terms and expressions used therein, that the following terms and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context, or by the nature of the subject-matter; that is to say—The word "street" to include every square, street, crescent, street, road, place, row, ways, lane, or place along which carriages can pass; and that, whether there be or be not, in addition to the carriage-way, a footway paved or otherwise: the word "alley" to include any court, riote, passage, or other public place, which can be used as a footway only; the word "square," as applied to any area of building, to denote one hundred superficial feet; the word "floor" to mean the horizontal platform forming the base of any story, and to include the timber or broken, any such substance which constitutes such platform; the word "store" to include the full thickness of such floor, as well as the space between the upper surface of one floor and the under surface of the floor next above it; or if there be no floor, then the space between the surface of the ground and the under surface of the floor next above it; the term "external wall" to comprise all outer walls of buildings now or hereafter to be built, which shall stand wholly upon ground of the owner of such buildings, and shall not be used or intended to be used as party-walls under the definition hereinafter contained, whether the same shall adjoin or not to other outer or party-walls; the term "party-wall" to comprise all walls which shall be used or built in order to be used as a separation of two or more buildings for the occupation of different families, or actually occupied by different families, and also all walls which shall stand upon ground not wholly belonging to one owner, or tenancy, or occupation; the term "already built," used in reference to buildings, to apply to buildings built before the first day of January, one thousand eight hundred and forty-five, or commenced before that day, and covered in and rendered fit for use within twelve months thereafter; and used in reference to streets and alleys, to apply to all streets and alleys made or laid out before that day, and which shall be formed and rendered fit for use within twelve months thereafter; the term "hereafter to be built," used in reference to buildings, to apply to all buildings to be built or commenced after the first day of January, one thousand eight hundred and forty-five, or which, being commenced, shall not be covered in within twelve months thereafter; and used in reference to streets and alleys, to apply to all streets or alleys laid out before the said first day of January, or which being laid out shall not be rendered fit for use within twelve months thereafter; the word "owner" to apply to every person in possession or receipt, either of the whole or of any part of the rents or profits of any ground or tenement, or in the occupation of such ground or tenement, other than a tenant from year to year, or a tenant at will; the term "official referees" to mean the persons appointed in pursuance of this Act to be official referees of metropolitan buildings; the word "surveyor" to apply to all surveyors to be appointed in pursuance of this Act, or whose appointment is confirmed by this Act; and also to all deputy or assistant surveyors to be appointed under this Act; the words "the surveyor," used, without any addition, to mean the surveyor in whose district the buildings, street or alley or other subject-matter shall be, or any deputy or assistant surveyor duly acting in his behalf; the word "month" to mean a calendar month; the expression "the commissioners of works and buildings" to mean the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings; the expression "justice of the peace" to mean a justice of the peace for the county, division, or liberty within which the building or other subject-matter, or any part thereof, is situate; unless it be situate within the city of London or the liberties thereof, in reference to which any matter or thing elsewhere required or authorized to be done by two or more justices of the peace, may be done either by the Lord Mayor of the city of London, or by any one, two or more justices of the peace for the said city; or unless the subject-matter be situate in the district of any police court of the metropolis, in reference to which any matter or thing elsewhere required or authorized to be done by two or more justices may be done by one magistrate; and generally, whenever the name of an officer having local jurisdiction in respect of his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the officer having jurisdiction in that place, within which is situate the building or other subject-matter, or any part thereof to which such reference applies; and subject as aforesaid to the extent and to the nature of the subject-matter, words importing the singular number are to be understood to apply to a plurality of persons or things; and words importing the masculine gender are to be understood to apply to persons of the feminine gender; and words importing an individual, are to be understood to apply to a corporation or company, or other body of persons.

Extent of Operation of Act.

3. And be it enacted, with regard to this Act generally, so far as relates to the operation thereof in reference to localities, that the operation of this Act shall extend to all places within the following limits: (that is to say) to all such places lying on the north side or left bank of the river Thames as are within the exterior boundaries of the parishes of Fiddham, Kensington, Paddington, Hampstead, Haverley, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford, Bromley, Poplar, and Shadwell; and to such part of the parish of Chelsea as lies north of the said parish of Kensington; and to all such parts and places lying on the south side or right bank of the said river as are within the exterior boundaries of the parishes of Westminster, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, St. George's, County, and Wandsworth; and to all places lying within two hundred yards from the exterior boundaries of the district hereby defined.

Power to Extend the Limits of Act.

4. And forasmuch as, partly by the rapid increase of population in the neighbourhoods of the district to which this Act is to apply, and partly by the tendency of this Act to induce building operations in such neighbourhoods in order to evade the provisions thereof, the evils which have arisen in the districts now now subject to regulation, will in all probability arise in such neighbourhoods; it is expedient to make provision for the prevention of such evils; and if they should arise, for the remedy thereof, now for such purposes, be it enacted, with regard to this Act generally, so far as it relates to the application thereof to other parts and places in the neighbourhood of the districts appointed by this Act, whether such districts immediately adjoin such parts and places or not, that if, from the growing increase of the population or otherwise, it shall appear to Her Majesty in Council to be expedient that the provisions of this Act should be extended to any place within the limits of the said Act, or in the city of Westminster, then it shall be lawful for Her Majesty in Council to direct, by order in Council, that at or from a time to be named in such order, the provisions of this Act shall apply to such place; and, at or from such time, all such provisions of whatever nature, whether penal or otherwise, so far as they shall be capable of application to such places, shall be and are hereby declared to apply thereto, as if such places were expressly named herein.

Regulation of Buildings—Bases of Buildings, and Thicknesses of Wall and Footings, and Rules concerning Buildings.

5. And now generally, for the purpose of regulating the building and the rebuilding upon sites of former buildings, and the enlarging and altering of all buildings, of what nature soever, within the limits aforesaid; be it enacted, with regard to every such building hereafter to be built (except the buildings comprised in Schedule (B.) hereto annexed), so far as relates to building the same, and with regard to every such building, either already or hereafter built (except the said buildings comprised in the said Schedule (B.)), so far as relates to the rebuilding, and the enlarging or altering the same, and that whether such buildings be built or rebuilt on old or new foundations, or partly on old and partly on new foundations, that every such building shall be built, rebuilt, enlarged or altered in reference to the walls

The sentence "timber or brick, or any other substance which constitutes such platform" has no just agreement of number; this grammatical defect may be obviated by making the words run "timber or brick, or any other substance constituting such platform."

The phraseology "belonging to the same ownership or occupation" requires amendment.

The sentence seems to have been intended to run thus—"Or in the occupation of such ground or premises other than as a tenant from year to year, or other than as a tenant-at-will."

The word "district," as here used, would be well altered.

We think the Council would be so delicate in the use of this power that the provision would consequently never be obtained. We think it would be strictly penal as a Building Act should depend alone upon particular statutory enactment.

St. Paul's Cathedral is nearer the centre of the metropolis and the villages immediately adjacent to it. We therefore think it the vertex from which the measurements in question should be taken.